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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Toyoshima) Art Unit: 2617
)
Serial No.: 09/974,724) Examiner: Bhattacharya
)
Filed: October 9, 2001) 50P4257.04
)
For: WIRELESS MODEM MODULE SERVER SYSTEM) December 17, 2007
) 750 B STREET, Suite 3120
) San Diego, CA 92101
)

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This Reply brief responds to the Examiner's Answer dated December 13, 2007.

As is all too typical of late, the claims are being rejected based on naked argumentation that relies on false logic in a strenuous but ultimately futile effort to deny the allowance of a legitimately patentable invention. Appellant in good faith has observed that Wasula utterly fails to teach or suggest indicating the claimed element of indicating "that a transfer operation is taking place", and so it does. But the conferees (including two SPEs, it must be noted) employ a patently false syllogism to avoid allowance: they advance a major premise (that image utilization fields are presented), followed by a minor premise (that the fields indicate desired conditions of transfer), and then hazard a breathtaking leap to a conspicuously false conclusion, namely, that because the conditions "appear" (sic) during image transfer, then the display of them "effectively indicates that a transfer operation is taking place." Appellant is not making this up, see page 5, lines 14-16.

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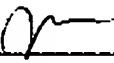
PATENT
Filed: October 9, 2001

Of course, the timing of the relied-upon image utilization fields indicates nothing about *when* a transfer is taking place, but only conditions that *attend* the transfer. In other words, a generically different concept from Claim 30.

The last paragraph of page 5 of the Answer mutters something about broadly interpreting "threshold", evidently in the belief that (1) the modifier "reasonable" in MPEP §2111.01 does not mean what it says, and (2) that taking this opportunity for opacity might deflect attention from the glaring defect of Wasula in failing to teach or suggest indicating that a transfer operation "is" taking place.

Saving the best example of intransigence for last, on page 6 the conferees, dissatisfied with only a single example of risible argumentation, insist that "is" means "was", i.e., that verb tense, like logical rules, mean, if not nothing, not much. Specifically, the conferees contend that a notification of transfer having been completed equals indicating that transfer *is* taking place on the specious ground that "the end of a data transfer operation can also be considered the last part of the transfer operation", lines 5 and 6. However, the relied-upon indication, word games aside, is given *after* the operation has completed and thus, regardless of the intended cleverness of the allegation, still fails to reach the claim.

Respectfully submitted,


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